

Attorney Docket No.: PENN-0754  
Inventors: Scott L. Diamond  
Serial No.: 09/763,982  
Filing Date: April 25, 2001  
Page 6

**REMARKS**

Claims 4 and 6-12 are pending in this application. Claim 8 has been allowed. Claims 4, 6, 7, and 9-12 have been rejected. Claims 4, 6, 7, and 9-12 have been canceled. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of these amendments and the following remarks.

The Examiner has objected to the specification for failing to comply with the requirements of 37 CFR 1.821 through 1.825. Specifically, the Examiner indicates that page 17, line 24 of the specification discloses an amino acid sequence in excess of 3 amino acids that is not accompanied by a SEQ ID NO.

Applicant has amended the Example 5 of the specification to recite that the listed sequence corresponds to SEQ ID NO:19. Further, Applicant is enclosing herewith a substitute computer readable form (CFR) copy of the "Sequence Listing" and a substitute paper copy of the "Sequence Listing" with SEQ ID NO:19. Withdrawal of this objection is therefore respectfully requested.

**I. Rejection of Claims under 35 U.S.C. §112**

The Examiner has rejected claim 7 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Specifically, the Examiner suggests that claim 7 requires a cationic peptide scaffold of "less than 124 amino acids in length" and because Applicant teaches in the specification that a cationic can be 5-200 amino acids, that Applicant has not

Attorney Docket No.: **PENN-0754**  
Inventors: **Scott L. Diamond**  
Serial No.: **09/763,982**  
Filing Date: **April 25, 2001**  
Page 7

contemplated the precise embodiment of a peptide scaffold of "less than 124 amino acids in length".

In an earnest effort to gain issuance of allowed claim 8, Applicant is canceling claims 4, 6, 7, and 9-12.

## **II. Claim rejections under 35 USC 102**

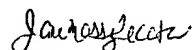
Claims 4 and 6 stand rejected under 35 U.S.C. §102 (b) as being anticipated by Michael et al. (1995) *Cell* 82:415-422 in its teaching of a 38 amino acid peptide identical of SEQ ID NO:3 of the instant invention, wherein said peptide functions as a NLS of a fusion partner.

In view of the cancellation of claims 4, 6, 7, and 9-12, this rejection is moot.

### **Conclusion**

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent issuance of pending claim 8 is earnestly solicited.

Respectfully submitted,



Jane Massy Licata  
Registration No. 32, 257

Date: **October 1, 2004**

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053  
(856) 810-1515